

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0664-01  
Bill No.: HB 356  
Subject: Probation and Parole; Prisons and Jails; Crimes and Punishment; Victims of Crime  
Type: Original  
Date: February 2, 2015

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Bill Summary: This proposal requires the Board of Probation and Parole to deliver an answer within two weeks of holding a hearing.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$316,684)	(\$324,772)	(\$328,419)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$316,684)</b>	<b>(\$324,772)</b>	<b>(\$328,419)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	7 FTE	7 FTE	7 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>7 FTE</b>	<b>7 FTE</b>	<b>7 FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state this legislation requires the Board of Probation and Parole (P&P) to deliver an answer within two weeks of holding a hearing. This has the potential for a significant financial and workload impact on P&P.

In FY 2014, there were approximately 20,000 decisions that are currently majority Board votes that would need to be processed by a Parole Board member(s), Parole Hearing Analyst, and clerical support to meet the two week restriction. These hearings include:

- FPH - First Parole Hearing - Conducted by the Parole Board and Analyst with the offender;
- RCH - Reconsideration Hearing - an additional hearing conducted by the Parole Board and Analyst with the offender;
- VIO - Violation Review - The Parole Board and Analyst reviews violation reports of supervised offenders in the community for decision on whether to remain in the community; and
- VRB - Violation Review to the Parole Board - These offenders supervised in the community have been ordered returned to prison and need a decision regarding further parole consideration

The following chart shows the actual hearings in FY 2014 and of hearings for cases that are likely to have involved majority Board votes:

Action Type	Count
FPH - First Parole Hearing	6,355
RCH - Reconsideration Hearing	3,409
VIO - Violation Review	4,870
<u>VRB - Violation Review to the Parole Board</u>	<u>5,134</u>
Total	19,768

And the next actions of FPH and RCH (6,355 + 3,409 = 9,764):

FPH - First Parole Hearing	8
RCH - Reconsideration Hearing	498
<u>REL - Release</u>	<u>9,258</u>
Total	9,764

ASSUMPTION (continued)

The following chart shows that most of these types of hearings involve multiple Board members or a majority of the Board to make the final decision.

Hearings in FY14 where the hearing type was FPH or RCH where the decision was REL (498) or RCH (9,258) (498 + 9,258 = 9,756):

REFERRAL	COUNT	Percent
Analyst only (no Board)	10	0.1%
Full Board	3,969	40.7%
Majority of the Board	5,747	58.9%
<u>One member of the Board</u>	<u>30</u>	<u>0.3%</u>
TOTAL	9,756	100.0%

The current method for deciding the outcome of a hearing involves a workflow process involving Board members, parole analysts and clerical support. The current records are mostly in hard copy and have to be processed by Board members when they are available in their P&P office. When a member votes on the outcome of a hearing, it is annotated in the record and passed to the next Board member when they are available in their office. The Board members currently travel to 19 Division of Adult Institutions (DAI) facilities each month and thus not able to collaborate to finalize decisions. Board members operate as five teams who are out at prisons conducting hearings four to five days per week. It is difficult to share the paper files and records except when the Board members return to Jefferson City and are in their offices.

In order to implement the proposed legislation, the Board of Probation and Parole would need to have at a minimum the following: two new Parole Hearing Analyst (each at \$49,428 annually), one Senior Office Support Assistant (at \$25,824 annually), and three Office Support Assistant (each at \$23,160 annually) positions.

Processing these types of Board decisions within the proposed two week deadline would also negatively impact the decision-making time frames of other decisions that are currently prioritized for processing, such as waiver of parole hearings, technical violation decisions (both field and board holds returned to prison) that typically represent ASAP release decisions. If the timeframe to make ASAP release decisions is increased, it could result in a significant increase in the prison population and increased costs to the Department.

ASSUMPTION (continued)

The impact of the proposed changes to the statutes would be the cost of additional staffing of \$316,684 in the first year, \$324,772 in the second year, and \$328,419 in the third year. There could also be additional costs if implementation of this legislation results in delaying other types of hearings that could result in increases in the prison population.

The Board of Probation and Parole also believes there would be a need for two additional Parole Board members to facilitate the workflow of Board decisions. However, the number of Board positions is set by statute and that is not included in this legislation, so it is not part of the impact.

**Oversight** does not have information to verify or contradict DOC's estimation of additional FTE needed to implement this proposal. Therefore, Oversight will use DOC's estimates.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE</b>			
<u>Costs - Department of Corrections</u>			
Personal Service (7 FTE)	(\$161,800)	(\$196,102)	(\$198,063)
Fringe Benefits	(\$84,144)	(\$101,983)	(\$103,002)
Expense & Equipment	(\$70,740)	(\$26,687)	(\$27,354)
<u>Total Costs - DOC</u>	<u>(\$316,684)</u>	<u>(\$324,772)</u>	<u>(\$328,419)</u>
FTE Change - DOC	7 FTE	7 FTE	7 FTE
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$316,684)</u></b>	<b><u>(\$324,772)</u></b>	<b><u>(\$328,419)</u></b>
Estimated Net FTE Change for the General Revenue Fund	7 FTE	7 FTE	7 FTE

FISCAL IMPACT - Local Government

FY 2016  
(10 Mo.)

FY 2017

FY 2018

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

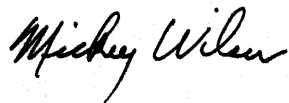
This bill specifies that decisions of the board regarding the granting of paroles, extensions of a conditional release date or revocations of a parole or conditional release must occur within two weeks of the time of the hearing.

The hearing panel must make a decision within two weeks of the personal interview and any victim of the crime for which the offender is incarcerated must be notified of the panel's decision.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections  
Attorney General's Office



Mickey Wilson, CPA  
Director  
February 2, 2015

Ross Strobe  
Assistant Director  
February 2, 2015